

REMARKS

Summary Of The Office Action & Formalities

Claims 1-23 are all the claims pending in the application. Claims 11, 12, 14 and 15 are withdrawn from consideration as being drawn to a nonelected species. By this Amendment, Applicant is amending claims 1, 11, 22, and 23. No new matter is added.

Applicant kindly requests the Examiner to acknowledge the claim to foreign priority and to confirm that the certified copy of the priority document was received.

Applicant thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on August 22, 2003.

The abstract of the disclosure is objected to because of the legal term "said" in lines 4, 7, and 9. Applicant is amending the abstract to overcome this objection.

Claim 23 is rejected under 35 U.S.C. § 112, second paragraph, for the reason set forth at page 2 of the Office Action. Applicant is amending the claim to overcome this rejection.

The prior art rejections are summarized as follows:

1. Claim 22 is rejected under 35 U.S.C. § 102(b) as being anticipated by Lucht (US 3,179,301).
2. Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Christine et al. (US 5,356,039) in view of Steer et al. (US 5,226,564).

Applicant thanks the Examiner for confirming the allowance of claims 1-10, 13, and 16-21. As claim 1 is allowable, the Examiner is kindly requested to consider and allow claims 11, 12, 14, and 15, which depend from allowed claim 1.

Claim Rejections - 35 U.S.C. § 102

1. Claim 22 In View Of Lucht (US 3,179,301).

In rejecting claim 22 in view of Lucht (US 3,179,301), the grounds of rejection state:

Lucht shows a fluid dispenser (figures 29 and 31) comprising two blades 420 and a coupling portion (intersection of two blades)[.]

Office Action at pages 2-3.

Applicant has amended claim 22 to recite that the body is a “one piece body” and that “the body and the film forming together a fluid reservoir”. Figures 31, 32, and 34 of Lucht show a dispensing head for separately mounting on a container to form therewith a dispenser intended to be used only up side down, as depicted in Figure 22. Thus, the dispensing head in Lucht does not form a reservoir, and a reservoir is not formed by a one piece body and sealing film.

In view of at least this difference, Applicant kindly requests the Examiner to reconsider and allow claim 22.

Claim Rejections - 35 U.S.C. § 103

1. Claim 23 Over Christine et al. (US 5,356,039) In View Of Steer et al. (US 5,226,564).

In rejecting claim 23 over Christine et al. (US 5,356,039) in view of Steer et al. (US 5,226,564), the grounds of rejection state:

Christine et al show a fluid dispenser comprising a deformable cylinder 28 having two edges 40 attached to a film 20. Christine et al lack showing if the film is two pieces. Steer et al show a cylinder attached to two sealing films 60, 66 (figure 15) as an alternative equivalent means for manufacturing a container. It would have been obvious to one of ordinary skill in the art to have modified the Christine et al dispenser with the cylinder attached to two films as taught by Steer et al as alternative equivalent means for manufacturing a container.

Office Action at page 3.

Claim 23 is amended to recite that the films close the cylinder and that the cylinder forms a dispensing orifice.

Neither Christine et al. nor Steer et al., whether taken together or individually, teaches a cylinder with a dispensing orifice, the cylinder being closed at both ends by a respective film.

In view of at least this difference, Applicant kindly requests the Examiner to reconsider and allow claim 22.

Conclusion

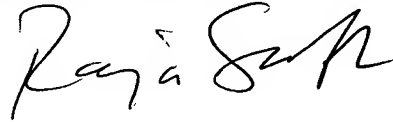
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/645,664

Attorney Docket No.: Q72953

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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